REMARKS

Claims 2-20 were withdrawn from consideration in view of their dependency on non-existent claims.

By this amendment, claims 2-20 have been amended to correct their dependencies, to put them in a form which is acceptable for Examination. The Examiner will appreciate that this amendment clearly involves the correction of a clerical error. Accordingly, the Examiner is respectfully requested to return these claims to active status and to examine these claims.

By this amendment, we have now amended the Specification at page 1, to expand the CROSS REFERENCE TO RELATED APPLICATION section to more completely reflect the status of this application, in order that it may claim all of the benefits of both Divisional and CIP status of its parent application Ser. No. 09/843,949.

Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by US patent no. 6,291,226.

In view of the amendment to the Specification, the Examiner will appreciate that the now clarified CIP status of this application, i.e. as being a Divisional of a CIP of the cited reference, must be taken into account.

In any case, the Examiner's attention is directed to the fact that the cited US, 226 patent is restricted to an adenovirus mutant deleted only for a specific gene i.e. the gene of adenovirus protease, and in some embodiments further comprising an exogenous gene and in other

embodiments having the adenovirus protease gene cloned in another part (such as the E1 coding region) of the adenoviral genome.

According to the present invention(as defined in claim 1) we have further developed the concept of the cited US ,226 parent patent to provide a new system for generating a highly diverse adenoviral expression library by positive selection of recombinant adenoviruses, deleted for an essential gene of the late transcriptional region of the adenoviral genome(not just the gene of adenovirus protease as in claim 1 of the cited patent), which gene is expressably and specifically cloned in a second transcriptional region of the adenoviral genome(not just generally another region of the adenoviral genome as in claim 9 of the cited parent patent), and each recombinant adenovirus further comprising an expressible piece of exogenous DNA(not just at least one exogenous gene as in claim 2 of the cited parent patent).

Accordingly, it is submitted that there is no overlap in claims between those in this application and those of the cited parent patent.

Accordingly, the Examiner is requested to re-consider and withdraw this issue.